

6,401,079). Applicant respectfully submits that the cited reference does not disclose or suggest all of the limitations of the present claims.

In the Office Action, the Examiner also rejected claims 12-27 and 34-37 under 35 U.S.C. § 103(a) on the asserted grounds that the claims were obvious over Kahn et al. in view of Vasic US 2001/0034676, Sy US 2002/0120578, Gates et al. US 6,411,938, Olsen et al. US 7,146,336, Stoutenburg US 6,829,588, and Khemlani US 6,772,146. Again, Applicant respectfully submits that the cited Kahn et al. reference, even if combined with the other references cited by the Examiner, does not disclose, or suggest, all of the limitations of the present claims.

It is important to note that Applicant's invention comprises a method and system for collecting and disseminating payroll information to employees which provides an incentive for employees to enroll in direct deposit payroll programs. For example, the invention may allow employees to access their payroll information electronically during a specified introductory time period, and then, upon expiration of the introductory period, the employee may only access such information by voluntarily participating in the employer's direct deposit payroll program.

This determination as to whether the employee is qualified to access payroll information is made by inputting the employer's predetermined criteria, such as whether data for direct deposit payroll participation or the employee's W-4 data have been input into the system. If so, the employee is permitted access to the electronic payroll information.

By contrast, the prior art references identified by the Examiner make no mention of any direct deposit or W-4 qualification criteria which must be satisfied by the employee for access to payroll information. For example, Kahn et al. does not disclose the steps in Applicant's claim 28 of storing "criteria for W-4 participation;" "determining whether the W-4 data for the employee satisfies the criteria for direct deposit payroll participation;" or "if the employee W-4 data

satisfies the criteria, sending the corresponding payroll data over the network to the employee.”

In paragraphs 1, 15, 16, 17, 18 and 21 of the Office Action, the Examiner contends that Kahn discloses that the W-4 information criteria must be satisfied for the employee to be given access to payroll information. However the Examiner’s cited references to Kahn only relate to the processing of W-4 information and make no mention of the access to payroll information being contingent upon the entry of W-4 information in satisfaction of established qualification criteria.

In paragraph 1 of the Office Action, the Examiner contends that W-4 information is required for calculation of payroll taxes. However, this is not a qualification criteria which can be entered by the employer. Furthermore, payroll information, such as hours worked, gross pay received and employee identification, can be provided by the system described in Kahn, even in the absence of the employee’s W-4 information. Thus, the input of W-4 information is not a prerequisite to providing “payroll data over the network to the employee.” Moreover, none of the numerous citations offered by the Examiner in paragraph 1 relates to any provision of payroll information contingent upon the input of W-4 data.

Similarly, neither of the Examiner’s citations in paragraph 2 relates to any contingency upon which the provision of payroll information is predicated. In paragraph 2 of the Office Action, the Examiner contends that Kahn discloses that the storing of payroll information criteria must be satisfied for the employee to be given access to payroll information. However the Examiner’s cited references to Kahn only relate only to the entry and calculation of payroll information and make no mention of any criteria for payroll information which must be satisfied for the employee to be given access to payroll information, or the process of examining the payroll information for determining whether the criteria have been satisfied for the employee to

be given access to payroll information. Accordingly, Kahn is not a viable reference for a rejection under either § 102 or § 103.

In paragraph 8 of the Office Action, the Examiner contends that Kahn discloses “determining whether the direct deposit for the employee satisfies the criteria for direct deposit payroll participation.” However, the Examiner’s cited references to Kahn only relate only to the entry and calculation of payroll information and make no mention of any criteria for payroll information which must be satisfied for the employee to be given access to payroll information, or the process of examining the payroll information for determining whether the criteria have been satisfied for the employee to be given access to payroll information.

In paragraph 10 of the Office Action, the Examiner contends that Kahn discloses providing employee confirmation of the direct deposit data received from the employee. However, the Examiner’s cited references to Kahn make no mention of the employee whatever, and certainly not providing employee confirmation of the direct deposit data received from the employee.

In paragraph 12 of the Office Action, the Examiner contends that Kahn discloses identifying invalid RTNs in the direct deposit data received from the employee and notifying the employee of the error. However, the Examiner’s cited references to Kahn make no mention of any checking procedure or detection of error in the direct deposit data received from the employee.

In paragraphs 13, 19 and 20 of the Office Action, the Examiner contends that Kahn discloses that criteria for direct deposit payroll participation can be entered by the employer. However the Examiner’s cited references to Kahn only relate to the input of employers’ policies of providing of employment benefits to employees and rules for computation of benefits for the

employees. The Examiner's references make no mention of the entry of criteria for direct deposit payroll participation by the employer.

In paragraph 14 of the Office Action, the Examiner contends that Kahn discloses the method of allowing the employee to generate a unique description of each direct deposit payroll account identified by the employee. However the Examiner's cited references to Kahn only relate to the bank name, routing number and account number. The references make no mention of a unique description of each direct deposit payroll account identified by the employee.

The Examiner's rejections of some of the dependent claims based upon obviousness are founded upon the Section 102 rejections discussed above, along with references to the other patents and applications cited by the Examiner.

For example, in paragraphs 23-25 of the Office Action, the Examiner rejects claims 12 and 34 as obvious, contending that Kahn discloses that the W-4 information criteria must be satisfied for the employee to be given access to payroll information. However, as noted above for paragraphs 1, 15, 16, 17, 18 and 21 of the Office Action, the Examiner's cited references to Kahn only relate to the processing of W-4 information and make no mention of the access to payroll information being contingent upon the entry of W-4 information in satisfaction of established qualification criteria. Thus, the obviousness rejections of the dependent claims are also defective, in that Kahn does not disclose a requirement for entry of an employee's direct deposit information for provision of access to payroll information.

The other references cited by the Examiner in support of the § 103 rejections are also deficient. For example, the Examiner cites Sy US 2002/0120578 as teaching the use of period based software and disclosing "determining whether the employee time interval following the employee reference date has expired, and if the time interval has not expired, sending the

corresponding payroll data over the network to the employee.” However, Sy only relates to software which allocates software access time (e.g., in minutes) from a user account, based upon the user’s cumulative access time intervals. Sy makes no mention or suggestion of a running calendar function which terminates the user’s access to information once a predetermined fixed number of days have passed.

In paragraphs 4 and 5 of the Office Action, the Examiner contends that Sy discloses the use of period based software to control the time interval for which the employee is given access to payroll information on a trial basis. However the Examiner’s cited references to Sy only relate only to an elapsed time of access the customer is allowed to download software, whereas the present invention relates to an established date after which the employee will no longer be given access to payroll information.

In paragraphs 42 and 43 of the Office Action, the Examiner asserts that claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable “over Kahn and Gates as applied to claim 13 above,” and further in view of Stoutenburg US 6,829,588. However, the Examiner provides no support for her citation to Gates other than “Gates discloses the information in claim 13.” There is no mention of any line or page number whatsoever, nor is there any explanation of what “the information” constitutes. Accordingly, Gates does not disclose the limitations of the underlying claim 13 identified by the Examiner, and the rejections based upon this reference should be withdrawn.

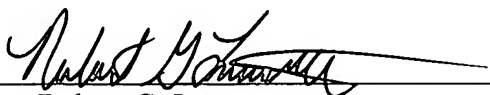
Similarly, in paragraphs 44 through 47, the Examiner asserts that claim 24 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable “over Kahn and Gates as applied to claim 13 above,” and further in view of Khemlani US 6,772,146 or Vasic US 2001/0034676,

respectively. Again, because Gates does not disclose the limitations of the underlying claim 13 identified by the Examiner, the rejections based upon this reference should be withdrawn.

Other references offered by the Examiner in support of § 103 rejections are similarly deficient. However, in view of the inapplicability of Kahn et al. to support the Examiner's rejections of the independent claims 1, 28 and 35, Applicant elects to forgo further argument on these other limitations not present in the cited patents. Nevertheless, in foregoing discussion of these additional limitations not present in the cited patents, Applicant does not waive his right to fully discuss the other limitations, if necessary, in the future. Accordingly, Applicant respectfully asserts that the rejections of claims 12-27 and 34-37 under Section 103 should be withdrawn.

In light of the foregoing amendments and the preceding remarks, it is submitted that this application is now in condition for allowance and prompt and favorable reconsideration is respectfully requested. The Examiner is encouraged to contact the undersigned via telephone to resolve any outstanding issues.

Respectfully submitted,

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